

REMARKS

The Office Action mailed on May 26, 2004, has been reviewed carefully and the application has been amended in a sincere effort to place the claims in condition for allowance.

Claim Rejections 35 U.S.C. § 102(e)

Claims 6, 7, 11 and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Re: 37656 to Bahar et al. ("Bahar").

The Examiner indicated that it would appear that the size of the pores in Applicant's barrier layer distinguishes Applicant's invention from the prior art. Accordingly, the Applicants have amended claims 6, 7, 11 and 12 either directly or through dependency to include a recitation that the passages in the barrier layer need only be large enough relative to barrier layer thickness to enable protonically conductive contact through the barrier layer while remaining small enough to prevent the passage of liquid therethrough.

Thus, it is respectfully submitted that claims 6, 7, 11 and 12 are now in condition for allowance.

Claim Rejections 35 U.S.C § 103

Claims 1, 2, 5, 10, 15, 16, 19, 20 and 23 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bahar as indicated.

Applicants have made amendments to those claims either directly or through dependency to distinguish them from Bahar on the basis that the passages in Applicants' barrier layer need only be large enough relative to barrier thickness to allow the membranes to make contact through the barrier layer but small enough to prevent the passage of liquid. Accordingly, it is respectfully submitted that claims 1, 2, 5, 10, 15, 16, 19, 20 and 23 as amended are now in condition for allowance.

Allowable Subject Matter

Claims 3, 4, 8, 9, 13, 14, 17, 18, 21 and 22 were objected to as being depended upon a rejected base claim but indicated as allowable if rewritten in independent form. Thus, those claims have been so rewritten in independent form in accordance with the Examiner's suggestion.

Summary

All of the objections and rejections set forth by the Examiner have been addressed herein by claim amendments to incorporate the distinguishing features that the Examiner has indicated that Applicants' invention has over the prior art.

Accordingly, the application is now in condition for allowance.

Please do not hesitate to contact the undersigned in order to advance the prosecution of this application in any respect.

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rita M. Rooney", is written over a horizontal line.

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